

# ARTICLE IV: REQUIREMENTS FOR FILING & APPROVAL PROCESS

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**Chapter 18.130*****General Permit Provisions***

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**18.130.010 Purpose and Intent**

This Article establishes the overall structure for the application, review and action on discretionary permits. Further, it identifies and describes the permits regulated by this Title and requires compliance with all applicable laws and regulations.

**18.130.020 Maps, Permits and Actions Covered by This Title****A. Definition.**

Discretionary permits or actions apply to projects which require the exercise of judgment or deliberation when the Approving **or Appeal** Authority decides to approve or disapprove a particular map, permit or action, as distinguished from situations where a City Department, Planning Commission or City Council merely has to determine whether there has been conformity with applicable statutes, Codes or regulations.

**B. Discretionary Administrative Maps, Permits and Actions not Requiring a Public Hearing.**

The Zoning Administrator, acting as the advisory agency, has primary administrative approving authority over maps, permits and actions which require the determination of compliance with applicable subdivision provisions and the application of judgment to a given set of facts. No public hearing is required for administrative maps, permits and actions unless the decision is appealed in accordance with provisions of [Chapter 18.170 Appeals](#). [Table 18.140.040 Approving and Appeal Authority](#) describes the various administrative permits which can be approved by the Zoning Administrator.

**C. Discretionary Maps, Permits and Actions Requiring a Public Hearing.**

Except when combined with legislative actions (see [18.140.030 Concurrent Processing of Permits](#)), the Planning Commission is the designated Approving Authority for discretionary maps, permits and actions. The table in [18.140.040](#) describes the various discretionary maps, permits and actions which can be approved by the Planning Commission.

**18.130.030 Burden of Proof and Precedence****A. Burden of Proof**

The burden of proof to establish the evidence in support of the required finding(s) for any map, permit or action in accordance with this Article is the responsibility of the applicant.

**B. Precedence**

Each map, permit or action shall be evaluated on a case-specific basis. Therefore, granting of a prior map, permit or action does not create a precedent and is not justification for the granting of a new map, permit or action.

**Chapter 18.140*****Approving and Appeal Authority***

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**18.140.010 Purpose**

This Chapter identifies the designated approving authority for the review of maps, permits and actions required by this Title.

**18.140.020 Designated Approving and Appeal Authority****A. General Provisions.**

The Approving and Appeal Authority, as designated in Table 18.140.040, shall approve (in full or in part), conditionally approve (in full or in part), modify, or deny (in full or in part) applications in accordance with the requirements of this Title. [Table 18.140.040](#) identifies both final (F) and appeal (A) authorities for each application. When a proposed project requires more than one permit, the permits shall be processed pursuant to Section [18.140.030 Concurrent Processing of Permits](#) of this Title.

**B. Findings Required.**

In acting on an application, the Approving or Appeal Authority shall make the applicable findings required for a particular map, permit or action and as may be required by other laws and regulations.

**C. Appeals.**

An action of the Approving Authority may be appealed pursuant to procedures set forth in [Chapter 18.170 Appeals](#).

**18.140.030 Concurrent Processing of Permits**

When a proposed map, permit or action requires more than one application with more than one Approving or Appeal Authority, all applications shall be processed concurrently as interrelated permits for a project and shall not be bifurcated. The highest designated Approving or Appeal Authority for all such requested applications shall take final action on multiple permits. For example, the Planning Commission takes final action on a Tentative Tract Map. However, when processed in conjunction with a Development Agreement, the Tentative Tract Map shall be reviewed and acted upon by the City Council in conjunction with the other application request(s). The Planning Commission provides recommendations to the City Council on both entitlement requests.

## 18.140.040 Approving and Appeal Authority Table

Type of Map, Permit or Action	Zoning Administrator (ZA)	City Planning Commission (CPC)	City Council (CC) <sup>1</sup>
<b>Discretionary – Administrative</b>			
Tentative Parcel Map	F	AR	AR/A <sup>(1)</sup>
Final Tract Map			F <sup>(2)</sup>
Final Parcel Map			F <sup>(2)</sup>
Final Vesting Map			F <sup>(2)</sup>
Final Reversion to Acreage Map			F <sup>(2)</sup>
Final Condominium Map			F <sup>(2)</sup>
Final Environmental Subdivision Map			F <sup>(2)</sup>
Lot Line Adjustments	F	AR	AR/A <sup>(1)</sup>
Lot Consolidations	F	AR	AR/A <sup>(1)</sup>
Lot Mergers/Unmergers	F	AR	AR/A <sup>(1)</sup>
Parcel Map Waivers	F	AR	AR/A <sup>(1)</sup>
Certificate of Compliance	F	AR	AR/A <sup>(1)</sup>
Notice of Violation	F	AR	AR/A <sup>(1)</sup>
Time Extensions	F	AR	A <sup>(1)</sup>
<b>Discretionary – Public Hearing Required</b>			
Tentative Tract Map		F	A <sup>(1)</sup>
Tentative Vesting Map		F	A <sup>(1)</sup>
Tentative Reversion to Acreage Map		F	A <sup>(1)</sup>
Tentative Condominium Map		F	A <sup>(1)</sup>
Tentative Environmental Subdivision		F	A <sup>(1)</sup>

F = Final Action Authority (unless appealable or referred); A = Appeal Authority; AR = Approving Authority as Zoning Administrator on Referral

(1) Decisions of the City Council are final and cannot be appealed.

(2) The Public Works Department submits all Tract Maps and those Parcel Maps that require offers of dedications to the City Council for adoption. After adoption they are transmitted to the County Recorder for recordation. Parcel Maps not requiring offers of dedication are approved the Public Works Department and submitted to the County recorder for recordation.

Note: ~~Any~~ The Zoning Administrator, at his or her discretion, may refer the action to the next higher Approving Authority in the hierarchy of decision-making.

**Chapter 18.150*****General Application Processing Procedures***

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**18.150.010 Purpose**

This Chapter establishes standard procedures for maps, permits and actions, both administrative and those requiring a public hearing.

**18.150.015 Initiation of Applications**

For all case types the City Manager, Executive Director of the Redevelopment Agency or a designee by either position, is authorized to initiate Subdivision applications, notwithstanding any other section of this Title, for any project authorized under this Title.

**18.150.020 Application Submittal**

All applications for maps and permits pertaining to this Title shall be submitted to the Planning Division on a City application form, together with all fees, plans, maps and any other information required by the Planning Division.

**18.150.030 Eligible Applicants**

- A. The owner(s) of the property, the authorized agent(s), or a plaintiff in an action of eminent domain, or the City Manager, Executive Director of Redevelopment Agency or a designee by either position, shall make the application. Any authorized agent shall be formally delegated as such in writing by the property owner. The application shall contain adequate evidence of title to the real property within the subdivision and sufficient data to enable the City Council to make all of the determinations and findings required by this Title.
- B. Proceedings for reversion to acreage may be initiated by the City Council on its own motion or by application of all of the owners of record of the real property within the subdivision. The application shall contain adequate evidence of Title to the real property within the subdivision and sufficient data to enable the City Council to make all of the determinations and findings required by this Title (California Government Code 66499.12).

**18.150.040 Initial Application Completeness Review**

All applications filed with the Planning Division in compliance with this Title shall be initially reviewed for application completeness as follows:

- A. Within thirty (30) days of application submittal, the Zoning Administrator or the designee shall determine whether or not the application is complete. The applicant shall be notified in writing if specific information and or materials are still necessary to complete the application.

The applicant may appeal the determination in accordance with [Chapter 18.170 Appeals](#) and the Permit Streamlining Act (California Government Code Section 65943).

- B. In the event an application is deemed incomplete and the applicant resubmits the application, within thirty (30) days of application resubmittal the Zoning Administrator shall determine whether or not the resubmitted application is complete. The applicant shall be notified in writing of the determination if specific information and or materials are still necessary to complete the application.
- C. The City, at its discretion, may deem void any application that remains incomplete 180 days from the date of the original submittal. The City shall notify the applicant of its intention to void the stagnant application at least thirty (30) days prior to withdrawal. Upon withdrawal the applicant's fee may or may not be partially refunded.
- D. Any resubmittal of a voided application shall require submittal of a new application, along with the appropriate fees; a new case number will be assigned.
- E. Nothing in this Chapter precludes the applicant and the City from mutually agreeing to an extension of any time limit provided by this Chapter (Government Code Section 65943).

**18.150.050 Submittal Requirements****A. General Requirements.**

1. Every application for a map or permit pursuant to this Title shall include a completed application form designated for the particular request, the owner and applicant signature(s), the agent authorization as appropriate and processing fee(s) established by City Fee Resolution.
2. Applications will not be accepted by the Planning Division without required signed application forms and permit fees as established by City Fee Resolution.

**B. Additional Requirements for Tentative Tract, Parcel, Vesting, Reversion to Acreage, Condominium and Environmental Subdivision Maps.**

1. *Tentative Tract, Parcel, Vesting, Reversion to Acreage, Condominium and Environmental Subdivision Maps.*
  - a. The tentative map shall be clearly and legibly drawn by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor. The scale of the map shall be at least one inch equals one hundred feet. If necessary to provide the proper scale, more than one sheet may be used, but the relation of the several sheets shall be clearly shown on each. The minimum size of each sheet should be eighteen inches by twenty-six (26) inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch.
  - b. The tentative map shall contain the following information:
    - 1). The map number assigned by the Riverside County surveyor;
    - 2). Names and addresses of the record owner and subdivider of the land;
    - 3). Name, signature and address of the person, firm or organization that prepared the map and the applicable registration **and/or** license number ~~and stamp~~;
    - 4). Date of preparation, north point and scale of the map; if based on a survey, the date of the survey;
    - 5). Boundaries of the subdivision with suitable ties to readily locate the property;
    - 6). Riverside County assessor's parcel number(s) of the property included within the map;
    - 7). The locations, names and widths of adjacent streets, alleys and pedestrian ways;
    - 8). Numbers of adjacent subdivisions, **buildings** and property lines sufficient to show their relationship to the proposed subdivision;
    - 9). All properties that are "Not A Part" of the map and/or are designated remainders shall be clearly delineated;
    - 10). Contour lines at five-foot intervals or less where the slope of the land is one percent (1%) or more, and contour lines at two-foot intervals or less where the slope of the land is less than one percent (1%). Topographic information shall be sufficient fully to show the configuration of the land and any and all depressions that present drainage problems, and shall extend beyond the tract boundaries where necessary to show essential conditions.
    - 11). A preliminary **100-scale** grading plan (**40-scale grading plans are required for maps in the RC – Residential Conservation Zones**) shall be submitted with the map which includes how the grading relates to existing contours on adjoining property, location of trees, rock outcroppings, arroyos, blue line streams and other significant natural features;
    - 12). The outlines of groves of trees and orchards, the approximate location of other trees with a trunk diameter of six inches or more, and an indication of all trees that are to remain on the lots;
    - 13). Location, width and direction of flow of all watercourses and the outline of any area subject to flooding or storm water overflow;

- 14). Location of all railroads, buildings and other structures, **structures for demolition**, and all natural obstacles, and an indication of any physical restrictions or conditions in the subdivision which affect the use of the property; distances between all buildings to remain and property lines shall be shown;
- 15). Locations, widths and purposes of all existing and proposed easements for utilities, drainage and other public purposes, shown by dashed lines;
- 16). Locations of existing utilities in and adjacent to the tract; size and invert elevation of sanitary and storm sewers; size of water mains; if sewers and water mains are not in or adjacent to the tract, the direction and distance to the nearest sewer and water main with invert elevation of sewer and size of main;
- 17). Locations, widths and grades of all public streets, private streets, alleys, pedestrian ways and other rights-of-way, and proposed street names; the radius of each curve; any planned line for street widening or for any other public project in or adjacent to the tract;
- 18). Lines and approximate dimensions of all lots and the number assigned to each lot; the total number of lots, the approximate area of each lot and the total area of the map;
- 19). Boundaries of existing and proposed public areas in or adjacent to the tract, with the nature of each indicated by label; the area of each parcel proposed for public use to the nearest one-tenth acre, including any areas proposed to be dedicated as parkland per the requirements of Government Code Section 66477 et seq (Quimby Act);
- 20). Proposals for handling storm water and drainage;
- 21). Areas designated for preservation or protection from development due to their status as sensitive or protected biological habitat, archaeological resource areas, significant geological formations, or other environmentally important or legally designated lands, as so identified by local Code and/or applicable county, state, or federal regulations; and
- 22). The following drawings and statements shall be filed on or along with the tentative map:
  - i. A vicinity map showing the location of the proposed subdivision;
  - ii. A statement of the total area of the tentative map;
  - iii. For mixed use developments, a statement of the total area of the land used for each type of use;
  - iv. A statement of the proposals for sewage disposal, water supply, electric service, gas service, telephone service, television reception and for other utilities;
  - v. Any application and the drawings and documents required to be filed therewith for any modification that may be proposed in accordance with [Chapter 18.230 Modifications](#); and
  - vi. Any application and the drawings and documents required to be filed therewith for hillside grading pursuant to [Title 17](#).
  - vii. **Cross sections at the perimeter, location and design of required trails, Water Quality Management Plan and location of any needed detention basins, and other information as requested by Planning Division Staff on a case by case basis.**

2. *Tentative Vesting Map.*

- a. A tentative vesting map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth for a Tentative Map and shall have printed conspicuously on its face the words "Tentative Vesting Map."
- b. At the time a tentative vesting map is filed, a subdivider shall also supply the following information unless an item(s) is determined by the Zoning Administrator not to be necessary:
  - 1). Height, size and location of buildings;
  - 2). Sewer, water, storm drain and road details;



- 3). Information on the uses to which the buildings will be put;
- 4). Detailed grading plans pursuant to [Title 17](#);
- 5). An engineer's drainage study approved by the City Public Works Department;
- 6). Building, landscaping, irrigation and sign plans when required for the project by Title 19 of the Riverside Municipal Code or application for development plan or plot plan approval when required by Title 19 of the Riverside Municipal Code;
- 7). A traffic study approved by the City Public Works Department and Planning Division, unless waived;
- 8). A geologic study approved by the City Engineer for properties identified as being subject to liquefaction;
- 9). An acoustical study approved by the Building Official for properties requiring such studies by [Title 16](#) of the Riverside Municipal Code;
- 10). An application for rezoning the property if the proposed use or density is not permitted in the current zone; and
- 11). A detailed parking analysis (not required for maps creating single family residential lots only).

3. *Lot Line Adjustments, Lot Consolidation and Lot Merger/Unmergers.*

The application shall be accompanied by a site plan indicating the current ownership, property lines, existing structures, any encumbrances and such other data and information as may be prescribed by the Planning Division. Any application for property in the Residential Conservation (RC) Zone shall be accompanied by a topographical map, a proposed grading plan and a proposed development plan unless waived by the Zoning Administrator.

4. *Parcel Map Waiver.*

Any person wishing to waive the requirement for the preparation and recordation of a parcel map and who has a recorded a Certificate of Compliance for Parcel Map Waiver shall first submit to the City Surveyor the following:

- a. An approved tentative map meeting the requirements of this Title for a tentative map and conforming to the approved configuration and revisions as stipulated by the Approving **or Appeal** Authority;
- b. Names and addresses of fee owner and the subdivider if different from the owner;
- c. Riverside County Assessor's parcel number(s);
- d. A preliminary title report or a similar report indicating the encumbrances, if any, on the property;
- e. The application shall be accompanied by a processing fee as established by the City's Fee Resolution;
- f. A legal description and plat signed by a licensed land surveyor or civil engineer authorized to practice land surveying clearly describing the new parcels as shown on the approved tentative map;
- g. An unsigned, acknowledge statement in a format acceptable to the City Surveyor satisfying all of the requirements of Section 66436 of the California Government Code;
- h. An unsigned certificate or statement in a format acceptable to the City Surveyor satisfying the requirements of Section 66492 of the California Government Code; and
- i. An unsigned certificate or statement and security in a format acceptable to the City Surveyor satisfying the requirements of Section 66493 of the California Government Code if any part of the subject property is subject to a lien of taxes or special assessments collected as taxes which are not yet payable and any lot lien created by the subdivision would bisect any existing assessor's parcel.

5. *Determination of Compliance.*

Applications for a determination of compliance can be filed and shall be signed by any person owning real property or a vendee of that person pursuant to a contract of sale of the real property, or at the request of an interested party, see [18.120.020 Determination of the City Surveyor](#).

C. Final Tract, Parcel, Vesting, Reversion to Acreage, Condominium and Environmental Subdivision Maps.

1. *General Requirements.*

The final map shall:

- a. be prepared by or under the direction of a registered civil engineer authorized to practice land surveying or licensed land surveyor and shall conform to all of the following provisions and those set forth in Government Code 66434;
- b. conform substantially with the tentative map approved by the Approving **Appeal** Authority, including all amendments, conditions, modifications and provisions made or required by the Approving **or Appeal** Authority, or as modified on appeal, and shall comply with this Title, all other applicable Codes, Specific Plans, General Plan and planned street lines that are in effect as of the filing date;
- c. be based upon a survey, except for a final parcel map;
- d. be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on white tinted mylar, 3 mil or 4 mil thick. Lines, fonts, characters and duplication shall comply with all standards of the County of Riverside Assessor, Clerk and Recorder in effect at the time of recordation;
- e. have the size, content and format of each sheet in compliance with all standards of the Subdivision Map Act and City Ordinance. Each sheet shall show the map number, shall contain a north point, shall contain complete engineer's notes and shall show the scale of the map;
- f. have a title sheet shall provided which shall indicate the map number and such other descriptive information as may be necessary. For a final parcel map a title containing the words "PARCEL MAP" and such other descriptive information as may be necessary, including the map number. Below the title shall be a subtitle consisting of a general description of the property being subdivided by reference to recorded maps, or by reference to the plat of a United States survey. References to tracts and subdivisions in the description shall be worded identically with original records, and references to book and page of record shall be complete. The words "City of Riverside" if the map is entirely within the City, or the words "Partly in the City of Riverside and partly in unincorporated territory of Riverside County" if the map is partly in unincorporated territory shall be included on the title page. The title page also shall contain all of the required certificates, acknowledgments, endorsements, acceptances, dedications and notarial seals. Where the size of a subdivision permits, in lieu of a title sheet, the information prescribed above may be shown on the same sheet as the final map;
- g. include the north point with basis of bearing, scale and date of map;
- h. include the boundaries of the subdivision, indicated by distinctive symbols approved by the Public Works Department and clearly so designated. Such border shall not obliterate any figures or other data. All lines shown on the map which do not constitute a part of the subdivision shall be clearly distinguishable from those lines which are a part of the subdivision and any area enclosed by such lines shall be labeled "Not a part of this subdivision." The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys;
- i. contain survey data, including:
  - 1). monuments, stakes, or other evidences set or found on the ground to determine the boundaries of the tract;
  - 2). corners of all adjoining properties identified by lot and block number, tract name, or place of record, or by section, township and range, or other proper designation;
  - 3). all information and data necessary to locate and retrace any and all exterior boundary lines, lot, or block lines, including basis of bearings;
  - 4). bearings and distances of straight lines;

- 5). the radius, central angle and length of each curve and such additional information as may be necessary to determine the location of the centers of curves;
  - 6). the centerlines of all streets in and adjoining the subdivision, indicating all permanent monuments found or placed and making reference to a map or field book wherever the Public Works Department has established such centerline. If any points were reset by ties, the source and detail of relocation data used shall be stated;
  - j. show all lots or parcels intended for sale or reserved for private purposes, all parcels offered for dedication to the City or any other public agency for any purpose and designated remainders with all dimensions, boundaries and courses clearly shown and defined in each case;
  - k. be numbered consecutively without block identification. Parcels offered for dedication as streets, alleys, pedestrian ways and nonaccess barrier strips shall be identified by letters;
  - l. show the location and width of all streets, alleys, pedestrian ways and other rights-of-way and the portions thereof offered for dedication; the names of streets; and the widths of existing dedications, if any, in the subdivision;
  - m. show the lines of all easements to which the lots are subject. Each easement shall be clearly identified as to nature and purpose; and if already recorded, its recorded reference shall be given. If any easement is not definitely located and of record, a statement of such easement shall appear on the title sheet. Easements shall be denoted by fine dashed lines. Distances and bearings on the side lines of lots which are cut by easements shall be shown so that the map will clearly indicate the actual lengths of the lot lines. The width of the easements and the lengths and bearings of the lines thereof, and sufficient ties thereto to definitely locate the easements with respect to the subdivision shall be shown;
  - n. show the locations and widths of nonaccess barrier strips;
  - o. show all limitations on rights of access to and from streets and lots and other parcels of land;
  - p. show the lines of any stream, channel or body of water in or adjacent to the subdivision, and the outlines of any area subject to flooding or storm water overflow;
  - q. show the location, width and name of any street and the location and width of any alley, railroad right-of-way or other right-of-way adjacent to the subdivision;
  - r. show any City boundary crossing or adjoining the subdivision;
  - s. note when a soils report has been prepared in accordance with Section [18.090.050](#), together with the date of the report and the name of the engineer making the report; and
  - t. show any open space easement areas.
2. *Final Parcel Map.*

For a Final Parcel Map the following shall also be included:

- a. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries of such remainder if such remainder has a gross area of five (5) acres or more;
- b. All parcels, excluding remainder parcels, shall be numbered or otherwise designated with all dimensions, boundaries, and courses clearly shown and defined in each case;
- c. The location and width of streets, alleys, pedestrianways and other easements and the portions thereof dedicated or offered for dedication to the City, including their recording references; and the names of streets;
- d. The lines of easements to which the lots are subject, shown in fine, dashed lines; and the lines, bearings, and dimensions of easements deeded to the City; and
- e. Limitations on rights of access to and from streets.

3. *Final Reversion to Acreage Map.*

For a reversion to acreage map each lot or parcel and the number thereof being eliminated shall be shown in fine, dashed lines.

D. Lot Line Adjustments, Consolidations and Merger/Unmergers.

1. Upon receipt of Conditional Approval the applicant shall submit the required property descriptions and documentation to the City's Surveyor for review and comment. The applicant shall promptly submit to the Surveyor any additional information or corrected documents as deemed necessary upon written request from the Surveyor.
2. The applicant shall also take all necessary steps to insure that all conditions imposed by the Approving ~~or Appeal~~ Authority are completed to the satisfaction of the affected department.

**18.150.060 ~~Waste Discharge and Adequate Water Supply Requirements~~ Water Discharge, Adequate Water Supply Requirements and Storm Water Run-off**

- A. *Waste Discharge.* The Planning Commission or Zoning Administrator shall also determine whether the discharge of waste from the proposed subdivision or permit into the existing community sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board Santa Ana Region pursuant to Division 7 (commencing with Section 13000) of the Water Code. In the event the Planning Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative maps of the subdivision.
- B. *Water Supply.* In addition to the required drawings and statements above, proposed residential subdivisions with five-hundred (500) or more dwelling units shall include with the tentative map application written verification from the applicable public water system that is proposed to serve the subdivision that a sufficient water supply is available to serve the development pursuant to State Law.
- C. *Storm Water Run-off.* In addition to the required drawings and statements above, all applications requiring discretionary approval shall have submitted with the application a project-specific Water Quality Management Plan (WQMP) pursuant to the requirements of the Municipal Separate Sewer (MS4) Permit.

**18.150.070 Processing Application**

A. *Filing of Tentative Maps.*

1. An application shall be filed with the City Planning Division.
2. The City Planning Division shall prepare a written report on a tentative map to the Approving Authority and the Approving Authority shall take action within fifty (50) days after the City's acceptance of the filing of a completed application for the map with the City.
3. Any report or recommendation on a tentative map by the Approving Authority shall be in writing and a copy served on the subdivider and on each tenant of the subject property, in the case of a proposed conversion of residential real property to a condominium project, community apartment project or stock cooperative project, at least three (3) days prior to any hearing or action on such map by such Approving Authority.
4. Pursuant to Section 66451.2, fees may be collected from the subdivider for expenses incurred under this section.
5. Indemnification.
  - a. Within 30 days of approval by the City of a tentative map (tract or parcel), approval or authorization and approvals and certifications under CEQA and/or any mitigation monitoring program, the developer/subdivider ("applicant") shall execute an agreement, approved by the City Attorney's Office, to defend, indemnify, including reimbursement, and hold harmless the City of Riverside, its agents, officers and employees from any claim, action, or proceeding against the City of Riverside, its agents, officers or employees to attack, set aside, void, or annul, an approval by the City's advisory agency, appeal board, or legislative body concerning:
    1. Any such approval of the City; and/or
    2. An action taken to provide environmental clearance under the California Environmental Quality Act (CEQA) by its advisory agencies, appeal boards, or City Council.

- b. The indemnification agreement shall be in a form acceptable to the City Attorney and shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City, and/or the parties initiating or bringing such proceeding. The agreement shall also include a provision obligating the applicant to indemnify the City for all of the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions of this section.
  - c. Also at the time of submitting an application, the applicant shall agree, as part of the application, to defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation of or study of, or for supplementing, redrafting, revising, or amending any document (such as an EIR, negative declaration, specific plan, or general plan amendment) if made necessary by said proceeding and if the applicant desires to pursue securing such approvals and/or clearances, after initiation of the proceeding, which are conditioned on the approval of these documents.
  - d. In the event that a proceeding described in ~~subdivision (7)(5)(a)(1) or (7)(5)(a)(2) of this section~~ **above**, or in ~~subsection (8) (6) below of this section~~, is brought, the City shall promptly notify the applicant of the existence of the proceeding and the City will cooperate fully in the defense of the proceeding. Nothing in this section shall prohibit the City from participating in the defense of any proceeding.
  - e. In the event that the applicant is required to defend the City in connection with any proceeding described in ~~subsection (7) of this section, or in subsection (8) of this section~~, the City shall retain the right to approve:
    - 1. The counsel to so defend the City;
    - 2. All significant decisions concerning the manner in which defense is conducted; and
    - 3. Any and all settlements, which approval shall not be unreasonably withheld.
  - f. The City shall also have the right not to participate in the defense, except that the City agrees to cooperate with the applicant in the defense of the proceeding. If the City chooses to have counsel of its own defend any proceeding where the applicant has already retained counsel to defend the City in such matters, the fees and expenses of the counsel selected by the City shall be paid by the City.
6. Indemnification Applicable Even if Applicant Fails or Refuses to Enter into Agreement
- a. Even if the applicant for a discretionary approval described in **5 above** ~~subsection (7) of this section~~ fails or refuses to enter in the agreement specified in ~~subsections (7)(a)(1) and (7)(a)(2) of this section~~, that applicant, or the owner of the subject property if different from the applicant, shall, as a condition to any of the approvals specified below:
    - 1. Defend, indemnify and hold harmless the City and its agents, officers, attorneys and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City or its agents, officers, attorneys or employees to attack, set aside, void, or annul the City's decision to approve any tentative map (tract or parcel) development, approval or authorization and approvals and certifications under CEQA and/or any mitigation monitoring program, but excluding any subdivision approval governed by California Government Code §66474.9. This indemnification shall include, but not limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorneys' fees and other costs liabilities and expenses incurred in connection with such proceeding whether incurred by applicant, the City, and/or the parties initiating or bringing such proceeding.
    - 2. Defend, indemnify and hold harmless the City, its agents, officers, employees and attorneys for all costs incurred in additional investigation and/or study of, or for supplementing, preparing, redrafting, revising, or amending any document (such as a negative declaration, EIR, specific plan or general plan amendment), if made necessary by said proceeding and if applicant desires to pursue securing such approvals, after initiation of such proceeding, which are conditioned on the approval of such documents.
    - 3. Indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in the section.
- B. *Filing of Lot Line Adjustments, Consolidations and Merger/Unmergers.* Upon receipt of a complete application, copies thereof shall be referred to other appropriate City departments or other public or



private agencies affected, together with a request for a written recommendation and any conditions to conform with existing General Plan, Zoning and Building Codes or to facilitate the relocation of existing utilities, infrastructure or easements which should be imposed on the approval of the application. The referral from the Planning Division shall state that any recommendations, comments or recommended conditions must be returned to the Planning Division within fifteen (15) days and that failure to do so shall be deemed approval by that department or agency of the requested lot line adjustment, consolidation or merger/unmerger without conditions.

- C. *Filing of a Parcel Map Waivers.* Upon receipt of the completed application, copies thereof shall be referred to other appropriate City departments or other public or private agencies affected, together with a request for a written recommendation and any conditions. The referral from the Planning Division shall state that any recommendations, comments or suggested conditions must be returned to the Planning Division within fifteen (15) days and that failure to do so shall be deemed approval by that department or agency of the requested waiver of parcel map without conditions.
- D. *Filing of Certificates of Compliance.*
1. Upon receipt of and acceptance of a completed application by the Planning Division, including the required processing fee, the application shall be referred by the Planning Division to the City's Surveyor for review to make a determination as to whether or not the real property complies with the applicable provisions of the Subdivision Map Act and this Title.
  2. Such determination shall be made within fifteen (15) days after acceptance of the completed application; provided, however, that date may be extended by the period of time necessary for the applicant to provide such additional information as may be reasonably requested by the Surveyor in writing in order to ascertain the status of the subject property.

#### **18.150.080 Subdivision Committee**

A. Referrals.

Following the determination of a complete application for a tentative map as required under Section [18.150.040 Initial Application Completeness Review](#), the Planning Division shall transmit copies of the tentative map and, where applicable, of the accompanying drawings and statements to members of the Subdivision Committee, together with a request for written recommendations on the proposed subdivision to be returned to the Planning Division within fifteen (15) days. The transmittal to the Subdivision Committee shall include a notification of the Subdivision Committee meeting date. The Planning Director may transmit additional applicable copies to such other public and private agencies or departments as may be affected by the proposed subdivision, together with requests for written recommendations thereon within fifteen (15) days (California Government Code Section 66453). Failure to submit such written recommendations may be deemed recommended approval of the proposed subdivision and limit further ability to comment on the map or recommend conditions of approval.

B. Subdivision Committee Meeting.

The Planning Division shall, within forty (40) days after the filing of a complete application for a tentative map, hold a conference between the subdivider and the Subdivision Committee. The Committee shall advise the subdivider regarding conformity of the map with the provisions of this Title and other applicable Codes, and conformity of the proposed uses with General Plan and the Zoning Code, and shall advise on possible improvements in the design of the proposed subdivision as well as possible requirements and conditions of map approval. The Committee also shall advise on the requirements, if any, of other City departments and County, special district, State, and other public and private agencies affected by the proposed subdivision.

C. Report of the Subdivision Committee Meeting.

Following the Subdivision Committee meeting, the Planning Division shall furnish to the subdivider a written copy of the report and recommendations on the tentative map to be presented to the Planning Commission. The report shall be given to the subdivider at least three (3) days prior to the consideration of the map by the Planning Commission (California Government Code Section 66452.3). Copies of the report may be transmitted to other public or private agencies affected by the proposed subdivision.

#### **18.150.090 Environmental Review**

After acceptance of a complete application, the project shall be reviewed in accordance with the environmental review procedures of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) and the City's resolution for implementing the California Environmental Quality Act.

**18.150.100 Zoning Administrator Review****A. Tentative Parcel Map.**

1. Tentative parcel maps that meet all of the criteria listed below can be approved by the Zoning Administrator in accordance with the Subdivision Map Act. The City Manager shall have the authority to enter into all agreements related to the approval of the parcel map.
  - a. The existing parcel has an average natural slope no greater than 20 percent (20%).
  - b. All necessary infrastructure and utilities are provided to the proposed parcels in a manner consistent with City standards.
  - ~~c. No zoning variance or subdivision modification is required..~~
  - c. The map would create no more than four (4) parcels.
  - d. None of the conditions of California Government Code Section 66474, *Grounds for Denial of Tentative or Parcel Map*, exist. These conditions include:
    - 1). That the proposed map ~~or design~~ is not consistent with the applicable General Plan and Specific Plans **as specified in Section 65451.**
    - 2) **That the design or improvement of the proposed subdivision is not consistent with applicable General and Specific Plans.**
    - 3) **That the design is not physically suitable for the type of development.**
    - 4). That the site is not physically suitable for the ~~type or~~ **proposed** density of development.
    - 5) That the design ~~and/or of the subdivision or~~ the proposed improvements ~~will~~ **are likely to cause serious public health or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**
    - 6) **That the design of the subdivision or type of improvements is likely to cause serious public health problems.**
    - 7). That the design ~~and/or of the subdivision or the type of proposed improvements~~ will conflict with ~~public access easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.~~
- ~~2. Ten (10) days after execution of the City Engineer's certificates, the City Engineer shall accept, accept subject to improvement, or reject any and all dedications or offers of dedication and the City Clerk will certify on the map.~~

**B. Lot Line Adjustments, Lot Consolidations and Lot Merger/Unmergers.**

1. The Zoning Administrator shall conditionally approve an application for a lot line adjustment, lot consolidation or lot merger/unmerger upon a finding that the property involved meets all the following criteria:
  - a. The parcels are physically contiguous and not separated by any public right-of-way.
  - b. No additional parcels will be created.
  - c. The resulting parcels comply with all applicable requirements of Title 19 of this Code, unless in conjunction therewith a variance is granted by the Zoning Administrator pursuant to the provisions of Chapter 19.720 of the Municipal Code.
  - d. The proposed adjustment, consolidation or merger/unmerger and the resulting parcels comply with applicable requirements as to area, improvement and design, floodwater drainage control,

appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this Title.

- e. No new streets or street extensions are created, although dedications for street rights-of-way may be required in accordance with the provisions of [Section 13.16.060](#) of the Riverside Municipal Code.
  - f. In the case of properties proposed to be created by a lot line adjustment, lot consolidation or lot merger/unmerger with an average natural slope of 20% or greater, an Initial Study needs to be prepared and a Negative Declaration adopted in accordance with the City's California Environmental Quality Act – [CEQA Resolution](#).
2. The Zoning Administrator may only impose such conditions to a conditional approval of the lot line adjustment, lot consolidation or lot merger/unmerger as may be necessary to conform to the City's Zoning and building regulations including those regulations applicable to the issuance of a building permit set forth in [Section 13.16.060](#) of the Municipal Code, to require the prepayment of real property taxes prior to the approval of the lot line adjustment, lot consolidation or lot merger/unmerger, or to facilitate the relocation of existing utilities, infrastructure or easements. No tentative map, parcel map or final map shall be required as a condition of the approval of a lot line adjustment, lot consolidation or lot merger/unmerger.
  3. The Zoning Administrator may refer the lot line adjustment, lot consolidation or lot merger/unmerger to the Planning Commission.

#### C. Parcel Map Waivers

1. *Findings for Waiver.* The Zoning Administrator, upon concurrence with the City Surveyor and City Engineer, shall grant the application for a waiver of the parcel map only upon a finding that the proposed division of land complies with the requirements established by the Subdivision Map Act and this Title as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and such other requirements as therein set forth.
2. *Conditions.* The Zoning Administrator shall condition the waiver of a parcel map upon the filing of a tentative map as set forth in this Title conforming to the configuration of each parcel as approved by said Commission, and upon the filing of such documents as may be necessary to meet the requirements of the Subdivision Map Act or this Title including a signed and acknowledged statement satisfying all of the requirements of Section 66436 of the Subdivision Map Act and a certificate or statement satisfying the requirements of Section 66492 of the Subdivision Map Act.
3. *Effective Date; Appeal.* The decision of the Zoning Administrator to either grant or deny the application for the waiver of a parcel map shall be final and effective ten (10) days following its decision unless the applicant or any other interested person files a notice of appeal to the Planning Commission within this time in accordance with the procedures as hereinafter set forth. An appeal shall stay the decision of the Zoning Administrator until final action by the Planning Commission.

#### D. Certificate of Compliance

1. *Review by Planning Commission.* If the matter of the issuance of a Conditional Certificate of Compliance is referred to the Planning Commission, the Zoning Administrator shall cause the matter to be placed on the next available agenda of said Commission. At the time set for discussion, the Planning Commission shall receive a written report from the Zoning Administrator setting forth the actions taken on the matter and the facts and circumstances relied upon in arriving at such decision together with any recommended conditions. The applicant or other interested party shall have an opportunity to present testimony orally and/or in writing. The Planning Commission, acting in the capacity of Zoning Administrator, may direct the issuance of a Conditional Certificate of Compliance, or a Certificate of Compliance if no conditions are imposed, in accordance with the provisions of this Chapter, if it finds that the property was divided in violation of the Subdivision Map Act or this Title and that the proposed real property may be approved as not being contrary to the public health or the public safety. The Planning Commission may impose such conditions as may be authorized in accordance with Subsection C above. The Planning Commission shall have the right to continue the matter from time to time as is reasonable in order to obtain additional information as said Commission determines necessary.
2. *Effective Date; Appeal.* The decision of the Zoning Administrator or the Planning Commission acting in its capacity as Zoning Administrator shall be final and effective ten (10) days following the rendering of a decision, unless the applicant or other interested person files a notice of appeal to the City



Council within this time in accordance with the procedures as hereinafter set forth. An appeal shall stay the decision until final action by the City Council.

3. *Notice of Appeal.* Notice of an appeal to the City Council of a decision of the Zoning Administrator or of the Planning Commission regarding the issuance of a Conditional Certificate of Compliance shall be filed by the applicant or any other interested party with the Planning Division within ten (10) days of such decision, together with such appeal fee as may be established in the City's fee resolution. The notice of appeal shall set forth the grounds of the appeal and the action or relief requested.
4. *Setting Matter for Review.* The Planning Division shall promptly forward the notice of appeal to the City Clerk, together with any appropriate staff reports and the decision of the Zoning Administrator or the Planning Commission from which the appeal is made. The City Clerk shall set the matter for discussion on the City Council's next available agenda; provided, however, the matter shall be set for consideration within thirty (30) days of receipt of the notice of appeal and appeal fee.
5. *Review.* At the time set for discussion, the City Council shall receive a written report from the Planning Division setting forth the facts and circumstances of the case and the decision of the Zoning Administrator or Planning Commission. The applicant or any other interested person shall have an opportunity to present testimony orally and/or in writing. The City Council may affirm, reverse, or modify the decision of the Zoning Administrator or Planning Commission. The City Council shall direct the issuance of a Conditional Certificate of Compliance, or a Certificate of Compliance if no conditions are to be imposed, if it finds that the property was divided in violation of the Subdivision Map Act or this Title and that the proposed real property may be approved as not being contrary to the public health or the public safety. The City Council may impose such conditions as may be authorized in accordance with Subsection C above. The City Council shall have the right to continue the matter from time to time as is reasonable in order to obtain additional information as said City Council determines necessary. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

#### **18.150.110 Planning Commission Review**

##### **A. Referrals to the Planning Commission from the Zoning Administrator.**

1. An application for a parcel map, lot line adjustment, lot consolidation, lot merger/unmerger, parcel map waiver, certificate of compliance or time extension referred to the Planning Commission by the Zoning Administrator shall be reviewed and acted upon by the Planning Commission acting in the capacity of Zoning Administrator within sixty (60) days following the filing of the completed application with the Planning Division in accordance with the following procedure:
  - a. *Notice.* Notice of the date, time, place and purpose of the public meeting before the Planning Commission shall be given by mailing a notice, not less than ten (10) days prior to the date of such hearing, to the owner of the subject property or to said owner's duly authorized agent and to the project applicant, and to each affected agency, and to all owners of real property as shown on the latest equalized assessment roll abutting the real property which is the subject of the hearing. Real property shall be considered abutting the subject property for the purpose of requiring notice if only separated by a public right-of-way and, except for such public right-of-way, the real properties would be abutting.
  - b. *Review.* At the time set for hearing, the Planning Commission shall receive a written report from the Zoning Administrator setting forth the facts and circumstances of the case. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing. The Planning Commission may conditionally approve or deny the application. For lot line adjustments or lot consolidations the Planning Commission may conditionally approve the application provided it finds that the parcels are contiguous, no additional parcels will be created, the resulting parcels comply with all applicable requirements of Title 19 of this Code unless in conjunction therewith modifications are approved pursuant to [Chapter 18.230 Modifications](#), and the proposed adjustment or consolidation and the resulting parcels comply with applicable requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this Title unless in conjunction therewith modifications are approved pursuant to [Chapter 18.230 Modifications](#).
  - c. *Conditions.* The Planning Commission may impose conditions on the application. However, the City Planning Commission can only impose such conditions to its conditional approval of the lot line adjustment or to its conditional approval of the lot consolidation as may be necessary to conform to the City's Zoning and building regulations including those regulations applicable to the issuance of a building permit as set forth in [Section 13.16.060](#), to require the prepayment of real property taxes prior to the approval of the lot line adjustment, or to facilitate the relocation of

existing utilities, infrastructure or easements. No tentative map, parcel map, or final map shall be required as a condition of the approval of a lot line adjustment or a lot consolidation.

- d. *Effective Date; Appeal.* The decision of the Planning Commission to conditionally approve or deny an application shall be final and effective ten (10) days following its decision unless the applicant or any other interested person files a notice of appeal to the City Council within this time in accordance with the procedures as hereinafter set forth. An appeal shall stay the decision of the Planning Commission until final action by the City Council.

#### B. Tentative Tract, Vesting and Reversion to Acreage Maps

1. The Planning Commission shall consider tentative tract and tentative vesting maps, the accompanying drawings and statements, and the report and recommendations of the Subdivision Committee on the proposed subdivision within fifty (50) days of the filing of a complete application for the map and shall approve, conditionally approve, or disapprove the map and shall report its action in writing to the subdivider. Failure to act within said fifty (50) days shall be deemed approval of the tentative map insofar as it complies with other applicable requirements of this Title, Title 19, and other applicable provisions of the Municipal Code (California Government Code Section 66452.1 and 66452.4).
2. The Planning Commission action shall be based on conformity of the tentative tract or tentative vesting map with this Title, with other applicable Codes, Title 19, the quality of the design of the subdivision, compatibility with surrounding neighborhoods and the natural environment. The Planning Commission shall not approve a map unless it has found that the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan.
3. The Planning Commission shall deny approval of the tentative tract or tentative vesting map if it makes any of the following findings:
  - a. That the proposed map ~~or the design or improvement of the proposed subdivision~~ is not consistent with applicable General and Specific Plans **as specified in Section 65451;**
  - b. **That the design or improvement to the proposed subdivision is not consistent with applicable General and Specific Plans.**
  - c. That the site is not physically suitable for the type of development ~~or density of development;~~
  - d. **That the site is not physically suitable for the proposed density of development;**
  - e. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, ~~or is likely to cause serious public health problems; or~~
  - f. **That the design of the subdivision or type of improvements is likely to cause serious public health problems.**
  - g. That the design of the subdivision or the type of improvements will ~~pose an adverse conflict with public access easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.~~ **In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**
4. If the map is disapproved by the Planning Commission, the subdivider shall be furnished with the statement of the reasons for such disapproval. If the map is conditionally approved, the subdivider shall be furnished with a complete statement of the conditions of approval.

#### 18.150.120 Acceptance of Dedications or Offers of Dedication

At its next meeting, or within a period of not more than ten (10) days after execution of the City Engineer's certificates, either the City Manager or the City Council shall accept, accept subject to improvement or reject any and all dedications or offers of dedication.

**18.150.130 Notice of Decision**

- A. A notice of decision shall be required for maps and permits in accordance with the provisions of this section.
- B. Within ten (10) days from the final action on an application, the Zoning Administrator shall send written notice of decision to the project applicant, other affected parties, and anyone who has requested to be notified. The notice of decision shall identify the specific action of the Approving **and Appeal** Authority, including the date of action, applicable conditions, basis for determination, and appeal period.
- C. The written decision of the Zoning Administrator to conditionally approve or deny the lot line adjustment, lot consolidation or lot merger/unmerger or to refer the application to the Planning Commission shall be issued within thirty (30) days after the filing of a complete application with the Planning Division. If the lot line adjustment, lot consolidation or lot merger/unmerger is to be referred to the Planning Commission, the Zoning Administrator shall cause the application to be placed on the next available agenda of said Commission and notice of the hearing before the Planning Commission to be given. The Planning Commission shall act in the capacity of the Zoning Administrator if the matter is referred to it by the Zoning Administrator.

**18.150.140 Application Denial - Reapplication**

Whenever an application or portion of an application has been denied or revoked and the denial or revocation becomes final, no new application for the same or similar request may be accepted within one year of the date of the action to deny or revoke, unless the Zoning Administrator determines that a new application is warranted due to a substantial change in land use on properties in the vicinity, improved infrastructure in the vicinity, altered traffic patterns, or any such similar change resulting in a changed physical environment.

**18.150.150 Withdrawal of Application**

Any subdivider or applicant wishing to withdraw an application at any time prior to action thereon by the Approving **or Appeal** Authority shall do so in writing.

**Chapter 18.160*****Notices and Hearings***

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**18.160.010 Generally**

- A. The following procedures implement Government Code Sections 65090 through 65096 and govern the notice and public hearing, where required, for consideration of a land use or development permit or action pursuant to this Title.
- B. Public hearings shall be required for tentative tract, vesting, reversion to acreage, condominium and environmental subdivision maps identified in this Title. The hearing(s) shall be held before the designated Approving **or Appeal** Authority pursuant to Section [18.050.010 Approving and Appeal Authority](#).

**18.160.020 Notice of Hearing for Discretionary Permits Reviewed by Planning Commission**

When a provision of this Title requires notice of a public hearing to be given, notice shall be given per Title 19.670.

**18.160.030 Content of Notice**

Notices shall include at a minimum the date, time and place of the public hearing; the identity of the hearing body; a general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.

**18.160.040 Notice Requirements for Administrative Discretionary Permits Reviewed by the Zoning Administrator**

- A. Public notice of the consideration of a proposed lot line adjustment, lot consolidation, lot merger/unmerger, parcel map waiver and certificate of compliance shall be provided by the Zoning Administrator by mailing such notice to the owners of property adjacent to the boundaries of the property under consideration, using for this purpose the last known name and address of such owners as are shown on the latest available equalized assessment roll of the County Assessor. Such notices shall identify the property under consideration and indicate the nature of the proposed application.
- B. Public notice of the consideration of a proposed tentative parcel map shall be provided by the Zoning Administrator by mailing such notice to the owners of property within 300 feet of the boundaries of the property under consideration, using for this purpose the last known name and address of such owners as are shown on the latest available equalized assessment roll of the County Assessor. Such notices shall identify the property under consideration and indicate the nature of the proposed application.
- C. The public notice shall:
  - 1. Be sent no later than fourteen (14) days after City acceptance of a complete and accurate application.
  - 2. Invite interested persons to notify the Planning Division in writing of any concerns or comments and/or to request further notification of actions relating to the proposed application during a fifteen (15) day comment and review period commencing with the date of the notice.
  - 3. Specify that only those specifically requesting to be further notified of actions relating to the application will be so notified of decisions, appeals, or requests for City Council review.
  - 4. Specify that at the end of a fifteen (15) day comment and review period, the Zoning Administrator's final report and recommendations will be issued, initiating a ten (10) day appeal period.

**18.160.050 Requests for Notification**

Any person who requests inclusion on a mailing list for notice of hearing for a project or projects pursuant to this Title shall submit such request in writing to the Planning Division. The City may impose a reasonable fee for the purpose of recovering the cost of such notification.

**18.160.060 Failure to Receive Notice**

Pursuant to California Government Code Section 65093, failure of any person or entity to receive notice required by law of any hearing as required by this Title shall not constitute grounds for any court to invalidate the actions of a designated Approving **or Appeal** Authority for which the notice was given.

**18.160.070 Hearing Procedure**

- A. Hearings and public meetings as provided for in this Chapter shall be held at the date, time, and place for which notice has been given as required in this Chapter. The designated Approving or Appeal Authority shall conduct the public hearing and hear testimony.
- B. The summary minutes shall be prepared and made part of the permanent file of the case.
- C. Any hearing may be continued, and no further public notice shall be required unless the hearing is not continued to a specific date/time, in which instance the hearing shall be re-noticed.

**Chapter 18.170*****Appeals***

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**18.170.010 Purpose**

This section identifies the procedures for filing and processing an appeal of actions of Approving Authorities, consistent with California Government Code Section 65904. Where the appeal provisions of this section conflict with other provisions of other sections of the Riverside Municipal Code, the appeal provisions of this section shall apply with regard to subdivision matters.

**18.170.020 Appeal Applicability and Authority**

- A. Any person dissatisfied with an interpretation or action of an Approving Authority made pursuant to this Title may appeal such action to the designated Appeal Authority and ultimately to the City Council. Appeals must be filed in accordance with the procedures in this Section. [Table 18.140.040](#) identifies the Appeal Authority for each of the City's map and permits and actions. Actions by the City Council are not subject to appeal **and are final**.
- B. The Approving Authority, instead of taking any action, may refer the matter to the Appeal Authority. For example, the Zoning Administrator may refer action on a tentative parcel map to the Planning Commission for action.

**18.170.030 Filing an Appeal**

- A. All appeals shall be submitted in writing to the Planning Division and shall identify the action being appealed and specifically state the basis or grounds of the appeal.
- B. Appeals shall be filed within ten (10) days following the date the Approving Authority either announces its determination or loses jurisdiction on the matter for which an appeal is made and shall be accompanied by a filing fee as established by City Council resolution.
- C. The filing of an appeal shall stay the action being appealed and the issuance of subsequent permit(s), such as grading or building permits. No fee shall be charged for an appeal or referral by the Mayor or City Council or public official acting in an official capacity.
- D. An appeal must be filed to exhaust all available administrative remedies.

**18.170.040 Notice and Schedule of Appeal Hearings**

Unless otherwise stated herein or agreed upon by the person filing the appeal and the applicant, appeal hearings and public meetings should be ~~conducted~~**set** within ~~thirty (30)~~ **thirty (30)** ~~forty-five (45)~~ days from the date of appeal submittal. Notice of hearing for the appeal or public meeting shall be provided pursuant to noticing requirements of this Article. ~~which shall be in the manner and for the same period of time as required in connection with the original action. Appeals on administrative discretionary actions will be placed on the discussion calendar where appeals of discretionary actions will be placed on the public hearing calendar.~~

**18.170.050 Appeal Hearing and Action**

Each appeal shall be considered *de novo* (new), and the Appeal Authority may reverse, modify or affirm the decision in whole or in part. In taking its action on an appeal, the Appeal Authority shall state the basis for its action. The Appeal Authority may modify, delete or add such conditions as it deems necessary. The Appeal Authority may also refer the matter back to the original Approving Authority for further action.

**Chapter 18.180*****Effective Date of Map or Permit Approval, Time Limits and Time Extensions*****18.180.010 Purpose**

This Chapter identifies the effective date of map or permit approvals and provides requirements (including time limits) for map or permit implementation and map or permit extension.

**18.180.020 Effective Date of Map or Permit Approval****A. Tentative Tract, Vesting or Reversion to Acreage Map**

All decisions of the Planning Commission granting or denying a tentative tract, vesting or reversion to acreage map are final and effective immediately unless appealed within the ten (10) day appeal period.

**B. Tentative Parcel Map**

1. All decisions of the Zoning Administrator or the Planning Commission acting as the Zoning Administrator shall be transmitted by written notice of decision to the City Clerk for transmittal to the City Council. All decisions of the Zoning Administrator shall be final and effective ten (10) days following transmittal of the written notice of decision to the City Clerk, unless a member of the City Council has requested the item be reviewed or a written appeal has been filed by the applicant or an interested person within this time. An appeal or request for review of a Zoning Administrator decision shall stay the effective date of permit or approval until final action by the City Council.
2. No building permit or authority to proceed shall be granted until the decision is final and all appeal periods have expired.

**C. Lot Line Adjustments, Lot Consolidations, Lot Merger/Unmergers, Parcel Map Waivers and Certificates of Compliance**

All decisions of the Zoning Administrator shall be final and effective ten (10) days following the notice of decision unless the applicant or any other interested person files a notice of appeal to the City Council within this time. An appeal shall stay the decision of the Zoning Administrator until final action by the City Council. Notwithstanding anything to the contrary herein, there shall be no right to appeal the decision of the Zoning Administrator to refer the matter to the Planning Commission.

**18.180.030 Permit Time Limits**

Any permit granted pursuant to this Title shall become null and void if not exercised within the time limit specified in the approving document, or within one (1) year if no time has been specified, except that time extensions may be granted pursuant to 18.180.050.

**18.180.040 Voiding of Maps or Permits**

Any map or permit granted pursuant to this Title shall become null and void if the owner or owner's authorized representative of the property for which the map or permit was granted requests, in writing, that the map or permit be voided and the Approving **or Appeal** Authority having jurisdiction approves the request.

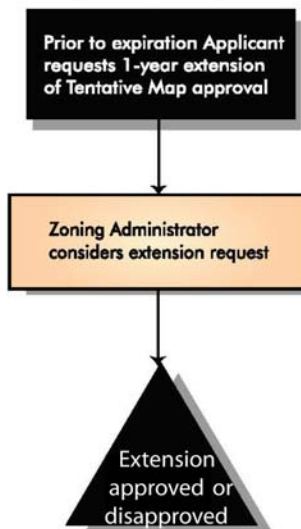
**18.180.050 Map Approval and Permit Time Extension**

- A. The period within which the exercise of a map or permit must occur may be extended by the Zoning Administrator. An application for extension shall be filed prior to expiration of the permit along with appropriate fees and necessary submittal materials pursuant to [Chapter 18.150 General Application Processing Procedures](#).
- B. Tentative Maps.
  1. *Tentative Tract, Parcel, Vesting and Reversion Acreage Maps.* The Zoning Administrator may extend the life of a tentative tract or vesting map beyond the initial thirty-six (36) month approval by up to five (5) additional years, or as may be further specified in Section 66452.6 (e) of the Government Code of the State of California.



- a. Any application for a one (1) year extension shall be made in writing to the City prior to the expiration of the thirty-six (36) months allowed. Thereafter, an application for a one (1) year time extension, not to exceed a total of five (5) years beyond the original date of expiration, shall be made in writing to the City prior to the expiration of the previous time extension. The application for a time extension shall be accompanied by a fee as may be prescribed by the City's fee resolution.
2. *Lot Line Adjustments, Lot Consolidations, Lot Merger/Unmergers, Parcel Map Waivers and Certificates of Compliance.* Tentative Parcel Map, Lot Line Adjustments, Lot Consolidations, Lot Merger/Unmergers, Parcel Map Waivers and Certificates of Compliance may receive a maximum of two (2), one (1) year extensions. The approval of an extension extends the expiration date for one (1) year from the original permit date.
3. The map or permit, as extended, may be conditioned to comply with any development standards that may have been enacted since the map or permit was initially approved.
4. The extension may be granted only when the designated Approving **or Appeal** Authority finds that the original map or permit findings can be made and that there are no changing circumstances or that there has been diligent pursuit to exercise the permit that warrants such extension.

30 Days Prior to Expiration



#### 18.180.060 Exercising Maps or Permits

The exercise of a map or permit occurs when the property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon such permit(s). Unless otherwise provided by law, such exercise of a permit constitutes the vested right to complete the work authorized by the permit. A permit may be otherwise exercised by a condition of the permit or corresponding legal agreement that specifies that other substantial efforts or expenditures constitutes exercise of the permit.

#### 18.180.070 Permit to Run with Land

Maps and permits and approvals granted pursuant to the provisions of this Title shall be transferable upon a change of ownership of the land provided that the use and conditions of the original map or permit or approval are fully complied with, and the project is not modified or enlarged/expanded.

#### 18.180.080 Permit(s) to Be Maintained on the Site During Construction

A copy of all land use and development permits (including all corresponding stamped-approved plans) authorizing construction shall be kept on site at all times during construction.